

December 19, 2017

Brian Tibbs, Chair
Historic Zoning Commission
3000 Granny White Pike
Nashville, TN 37204

Dear Brian,

We, the undersigned, represent a broad cross-section of entertainment venues, bars and restaurants in the Historic Districts of Lower Broadway and Second Avenue in Downtown Nashville. Our business and our people undeniably define the character and essence of today's Lower Broadway, and drive visitors from all over the world to come and experience our unique brand of Nashville authenticity. We write today to request a reasonable delay – and a more collaborative approach going forward – to the controversial parts of the proposed new Guidelines for the Downtown Core, specifically sections of the newly proposed Broadway and Second Avenue Zoning Overlays as detailed below.

On December 20th the Historic Zoning Commission (“HZA”) is set to vote on 80 pages of new Guidelines that will dictate the parameters by which proprietors will have to abide regarding all elements of construction and rehabilitation in the Downtown Core. These changes represent the largest single re-write of the guidelines in over two decades. The urgency around the rewrite seems to be largely driven by a high-profile project that is seeking an exception to the current Lower Broadway height restrictions at this week's HZA meeting. The Historic Zoning staff has thus far been insistent that the Guideline overhaul and the height restriction allowance be considered simultaneously, even though there is only time pressure around the height issue.

In our view, the rush to overhaul the Guidelines in 2017 is not warranted – there is no clamoring for additional regulation or crisis that needs addressing. One month ago when we all first learned about this planned overhaul of the Guidelines, a number of us wrote separately to the Commission expressing our disappointment over both the process and substance of the rule changes. In response, the staff of the Commission held two, hour-long public meetings with no Commissioners present where the public, including many of us, could make brief comment. While some of those issues raised were addressed in the most recent draft, there are still numerous substantive issues where further collaboration with and input from stakeholders is absolutely necessary.

To that end, we would propose that on December 20th the Commission should limit their consideration to (1) the height restriction allowance and (2) the non-controversial elements of the proposed Guidelines. We would then ask that the Commission and staff commit to public engagement and collaboration around the following issue categories that have a major impact on our ability to conduct our businesses in a competitive environment:

Lighting

- The current proposed guidelines include language that prohibits “wash(ing) a building in light or color” (see Page 40). The guidelines essentially ban the use of any type of colored lighting as to not “distort the color of building materials and finishes” (see Page 41). As has been expressed by numerous merchants, there is simply no basis in either the Secretary standards or in the reality of the character of Lower Broadway to prohibit colored lighting of buildings.

- The guidelines attempt to ban string lighting that defines an outdoor space (see page 42 and page 53). String lights like those sold for decorating Christmas trees are commonly used to enhance outdoor spaces year round on Lower Broadway and in many other neighborhoods in Nashville. While we appreciate staff's clarification that MHZC will not review temporary holiday displays, we believe the prohibition on string and rope lighting is inappropriate.

Rooftop Additions

- There are new rules regarding setback requirements and disallowed rooftop features that need further study (see pages 50 & 51). The draft guidelines call for setbacks to railings and structures without any recognition of a core principal preservation: visibility from right of way. And while we agree that rooftop additions should not overwhelm historic structures, the setback requirements do not take into account the height of the existing building which leads to inconsistent results at the MHZC
- All overhead features on rooftops are banned, including the aforementioned string lights, although many of the offending elements are installed on downtown rooftops today.
- The draft guidelines also attempt to prohibit signs on rooftops although there is ample photographic evidence to support their use in a historic area.

Signage

- While we recognize that the sign code on Lower Broadway is more lenient than in other parts of the city, we believe that situation is appropriate given Lower Broad's unique history and culture. The draft guidelines do not reflect Lower Broadway's uniqueness by banning rotating, blinking and flashing signs. These types of signs have a long history on Lower Broadway and the draft guideline's prohibition is inappropriate.

Vacant Lots

- In another departure from precedent and an expansion of the MHZC's authority, the draft guidelines seek to regulate use of vacant land. Specifically, MHZC is attempting to designate vacant lots as "open space" for the enjoyment of pedestrians. The guidelines discourage uses like surface parking lots even when that use may be economically appropriate. Such a restriction could devalue property on Lower Broadway and should be removed from the guidelines.

We will note that there are a number of provisions with which we have few reservations. For instance, the change in height proposed for areas south of Broadway, guidance on sandblasting and placement of mechanical systems and solar panels are all reasonable additions.

We would propose that the Commission engage with us to further explore each of these issues in depth over the coming months before passing sweeping changes with very little input or discussion. We simply ask that we take the time to make sure that we get each of the above issues right rather than rushing through guidelines that are far from an immediately necessity.

Sincerely,

(electronic signatures on following page)

Colin Reed

Ryman Auditorium, 116 5th Ave N.
Wildhorse Saloon, 120 2nd Ave. N.
Ole Red, 300 Broadway

Bill Miller

Nudie's Honky Tonk, 409 Broadway
Johnny Cash Museum, 119 3rd Ave S.
Patsy Cline Museum, 119 3rd Ave S.
Merle Haggard Museum, 121 3rd Ave S.
Merle's Meat & Three Saloon, 121 3rd Ave S.

Ben and Max Goldberg

Merchants Restaurant, 401 Broadway
Aerial, 411 Broadway

Barrett Hobbs

Whiskey Bent Saloon, 306 Broadway
Bootleggers Inn, 207 Broadway
Doc Holidays, 112 Second Ave N.

Ruble, Brenda and Brad Sanderson

The Stage on Broadway, 412 Broadway
Legends Corner, 428 Broadway
The Second Fiddle, 420 Broadway
Nashville Crossroads, 419 Broadway

Steve Smith

Tootsies Orchid Lounge, 422 Broadway
Honky Tonk Central, 329 Broadway
Rippy's Bar and Grill, 429 Broadway

Tom Morales

ACME Feed and Seed, 101 Broadway